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UNITED STATES BANKRUPTCY COURT
CENTRAL DISTRICT OF CALIFORNIA
LOS ANGELES DIVISION

In re
LESLIE KLEIN,

Debtor.

Case No. 2:23-bk-10990-SK

Chapter 11

Adv. No. 2:23-ap-01153-SK

ROBERT & ESTHER MERMELSTEIN,

Plaintiff,

v.

LESLIE KLEIN,

Defendant.

**STIPULATION (1) TO EXTEND TIME TO
RESPOND TO COMPLAINT, (2)
WITHDRAW REQUEST FOR THE CLERK
TO ENTER DEFAULT, AND (3) TO
CONTINUE STATUS CONFERENCE**

Present Status Conference Date:

Date: August 9, 2023

Time: 9:00 a.m.

Place: Courtroom 1575

Requested Status Conference Date:

Date: September 6, 2023

Time: 9:00 a.m.

Place: Courtroom 1575

This Stipulation (1) to Extend Time to Respond to Complaint, (2) Withdraw Request for the Clerk to Enter Default, and (3) to Continue Status Conference is entered into by Plaintiff Robert & Esther Mermelstein (the "**Plaintiff**"), and Defendant, Leslie Klein ("**Klein**" or "**Defendant**", and together with Plaintiff, the "**Parties**"), through their respective attorneys, with reference to the following facts:

**STIPULATION (1) TO EXTEND TIME TO RESPOND TO COMPLAINT, (2) WITHDRAW REQUEST
FOR THE CLERK TO ENTER DEFAULT, AND (3) TO CONTINUE STATUS CONFERENCE**

1 A. On May 12, 2023, Plaintiffs Robert & Esther Mermelstein filed the Complaint for
2 Nondischargeability of Debt Pursuant to 11 USC §523(a)(6) & for Denial of Discharge Pursuant
3 to 11 USC §727(a) ("**Complaint**") against the Defendant Leslie Klein [Doc #1].

4 B. On May 12, 2023, the Court's Summons & Notice of Status Conference ("**Summons**")
5 [Doc #2] set June 12, 2023 as the Defendant's deadline to respond to the Complaint, and a status
6 conference on the matter for August 9, 2023 at 9:00a.m. (the "**Status Conference**").

7 C. On June 8, 2023, Klein's then counsel Eric Olson ("**Olson**"), who had just been recently
8 on May 23, 2023, substituted in as counsel for Klein (Doc #150) requested a 30-day extension to
9 respond to the Complaint, and represented that the Defendant needed time to retain experienced
10 bankruptcy counsel for the adversary proceeding.

11 D. On June 12, 2023, the parties executed and signed a Stipulation to Extend Time to
12 Respond to the Complaint. [Doc #7]

13 E. On June 13, 2023, the Court signed the Order on Stipulation to Extend Time to Respond to
14 the Complaint, continuing Defendant's response date to July 12, 2023. [Doc #9].

15 F. On July 17, 2023, Plaintiff's counsel contacted Olson with a professional courtesy notice
16 of Plaintiffs' intentions to pursue a default against the Defendant. Olson responded that Klein had
17 retained new counsel to defend in the adversary proceeding, however, he was not going to be
18 substituted in until the following week (July 24, 2023) and requested a continuance to respond to
19 the Complaint to August 15, 2023, to enable new counsel to familiarize himself with this
20 adversary proceeding and the other pending adversary proceedings, and the bankruptcy case in
21 general.

22 G. On July 18, 2023, Plaintiff proceeded to file its Request for the Clerk to Enter Default
23 Pursuant to LBR 7055 (a)(1) (Doc #12) (the "**Request for Default**"). As of July 24, 2023, the
24 clerk has not entered a default on the Request for Default.

25 H. In connection with the Complaint, the Plaintiff is satisfied that the Defendant has hired
26 experienced competent bankruptcy counsel (Michael Kogan of the Kogan Law Firm, APC – who
27 has substituted in on July 24, 2023) who is familiar with both the issues in this adversary
28 proceeding and the rules and procedures of this Court to enable the adversary proceeding to

1 proceed in a normal manner.

2 I. The Parties have agreed to continue the time to respond to the Complaint to August 15,
3 2023 and that the Request for Default shall be considered withdrawn by Plaintiff, or if a default
4 has been entered by the Clerk of the Court such default shall be considered vacated and void, and
5 consequently the Status Conference be continued to September 6, 2023 at 9:00 a.m., or such later
6 date and time as the Court deems proper, to enable the Status Conference to be more meaningful
7 for all Parties.

8 **WHEREFORE**, it is hereby stipulated by the Parties, through their respective attorneys,
9 as follows:

- 10 1. Defendant's time to respond to the Complaint shall be extended to and including
11 August 15, 2023.
- 12 2. The Status Conference for the Complaint shall be continued from August 9, 2023 at
13 9:00 a.m. to September 6, 2023 at 9:00 a.m., or such later date and time as the Court
14 deems proper.
- 15 3. The Request for Default shall be considered withdrawn by Plaintiff, or if a default has
16 been entered by the Clerk of the Court such default shall be considered vacated and
17 void.

18 DATED: July 24, 2023

KOGAN LAW FIRM, APC
Michael S. Kogan

21 By: /s/ Michael S. Kogan
22 Michael S. Kogan
Attorneys for Defendant

23 DATED: July 24, 2023

LAW OFFICE OF BARUCH C. COHEN
Baruch C. Cohen

25 By: Baruch Cohen / authorized MSIC
26 Baruch C. Cohen
27 Attorneys for Plaintiff
28

In re: LESLIE KLEIN

Debtor(s).

Robert & Esther Mermelstein v Leslie Klein

CHAPTER: 11

CASE NUMBER: 2:23-bk-10990-SK

Adv. No. 2:23-ap-01153-SK

NOTE: When using this form to indicate service of a proposed order, **DO NOT** list any person or entity in Category I. Proposed orders do not generate an NEF because only orders that have been entered are placed on the CM/ECF docket.

PROOF OF SERVICE OF DOCUMENT

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address is: 11500 W. Olympic Blvd., Suite 400, Los Angeles, California 90064.

A true and correct copy of the foregoing document described as **STIPULATION (1) TO EXTEND TIME TO RESPOND TO COMPLAINT, (2) WITHDRAW REQUEST FOR THE CLERK TO ENTER DEFAULT, AND (3) TO CONTINUE STATUS CONFERENCE** will be served or was served **(a)** on the judge in chambers in the form and manner required by LBR 5005-2(d); and **(b)** in the manner indicated below:

I. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING ("NEF") – Pursuant to controlling General Order(s) and Local Bankruptcy Rule(s) ("LBR"), the foregoing document will be served by the court via NEF and hyperlink to the document. On **July 24, 2023**, I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following person(s) are on the Electronic Mail Notice List to receive NEF transmission at the email address(es) indicated below:

☒ Service information continued on attached page

II. SERVED BY U.S. MAIL OR OVERNIGHT MAIL (indicate method for each person or entity served):

On **July 24, 2023**, I served the following person(s) and/or entity(ies) at the last known address(es) in this bankruptcy case or adversary proceeding by placing a true and correct copy thereof in a sealed envelope in the United States Mail, first class, postage prepaid, and/or with an overnight mail service addressed as follows. Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than 24 hours after the document is filed.

☒ Service information continued on attached page

III. SERVED BY PERSONAL DELIVERY, FACSIMILE TRANSMISSION OR EMAIL (indicate method for each person or entity served): Pursuant to F.R.Civ.P. 5 and/or controlling LBR, on _____ I served the following person(s) and/or entity(ies) by personal delivery, or (for those who consented in writing to such service method), by facsimile transmission and/or email as follows. Listing the judge here constitutes a declaration that personal delivery on the judge will be completed no later than 24 hours after the document is filed.

☐ Service information continued on attached page

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

July 24, 2023

Date

Pamela Lynn

Type Name

/s/Pamela Lynn

Signature

In re: LESLIE KLEIN Debtor(s), Robert & Esther Mermelstein v Leslie Klein	CHAPTER: 11 CASE NUMBER: 2:23-bk-10990-SK Adv. No. 2:23-ap-01153-SK
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ADDITIONAL SERVICE INFORMATION (if needed):

I. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING ("NEF")

Baruch C Cohen (PL) bcc@BaruchCohenEsq.com, paralegal@baruchcohenesq.com
Michael I. Gottfried (IP) mgottfried@elkinskalt.com, cavila@elkinskalt.com,
lwageman@elkinskalt.com, docketing@elkinskalt.com
Nikko Salvatore Stevens (IP) nikko@cym.law, mandi@cym.law
United States Trustee (LA) ustpreion16.la.ecf@usdoj.gov
Clarisse Young (IP) youngshumaker@smcounsel.com, levern@smcounsel.com

II. SERVED BY U.S. MAIL OR OVERNIGHT MAIL - VIA U.S. MAIL

Hon. Sandra Klein
U.S. Bankruptcy Court
255 E. Temple St. #1582
Los Angeles, CA 90012